

Message Text

LIMITED OFFICIAL USE

PAGE 01 BUCAR 01401 161551 Z

42

ACTION OPIC-12

INFO OCT-01 EUR-25 ADP-00 L-03 EB-11 AID-20 COME-00 TRSE-00

CIEP-02 FRB-02 OMB-01 NSC-10 PA-03 PRS-01 USIA-12

SS-15 IO-12 INR-10 CIAE-00 NSAE-00 SSO-00 /140 W

----- 081207

P 161515 Z APR 73

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC PRIORITY 5121

LIMITED OFFICIAL USE BUCHAREST 1401

FOR OPIC

E. O. 11652: N/A

TAGS: PFOR, EGEN, RO

SUBJ: OPIC INVESTMENT INCENTIVE AGREEMENT

REFS: A) STATE 60388; B) BUCHAREST 01045; C) STATE 51338;
D) STATE 012857

1. WHILE GOR, ACCORDING TO MINFORTRADE OFFICIALS, TAKES NO EXCEPTION TO UNDERSTANDING STATED IN PENULTIMATE PARA OF FEB 5 LETTER FROM HUNT (OPIC) TO FODOR CONCERNING DELETION OF LAST SENTENCE OF PARA THREE OF 11/8/72 DRAFT, ROMANIAN LEGAL ADVISERS HAVE NOT AGREED, TO DATE, TO PROVIDE WRITTEN CONFIRMATION OF THIS POSITION IN FORM OF RESPONSE TO HUNT LETTER. HOWEVER, SINCE GOR ACCEPTS UNDERSTANDING OF USG RIGHTS TO ASSERT CLAIM UNDER INTERNATIONAL LAW, WE PROPOSE AS WAY AROUND OBSTACLE, REINSTATEMENT OF LAST SENTENCE PARA THREE IN 11/8/72 DRAFT. IF OPIC WILL AGREE TO REMOVE WRITTEN REPLY TO HUNT/ FODOR LETTER AS REQUIREMENT BEFORE AGREEMENT CAN BE SIGNED (REF C), WE HAVE GOR AGREEMENT TO REINSTATE LAST SENTENCE. PARA 3 WOULD READ QUOTE IF THE ISSUING GOVERNMENT MAKES PAYMENT TO ANY INVESTOR UNDER

COVERAGE ISSUED PURSUANT TO THIS AGREEMENT, THE HOST GOVERNMENT SHALL RECOGNIZE THE TRANSFER TO THE ISSUING GOVERNMENT OF THE RIGHTS AND OBLIGATIONS OF THE COVERED INVESTOR, WITH RESPECT TO THE CLAIM FOR WHICH PAYMENT IS MADE, DERIVED FROM THE

CONT

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BUCAR 01401 161551 Z

RACT OF ASSOCIATION, THE STATUTES OF THE JOINT VENTURE OR ANY APPLICABLE LAWS OF THE HOST GOVERNMENT. THE ISSUING GOVERNMENT SHALL WITH RESPECT TO ANY RIGHTS TRANSFERRED OR SUCCEEDED TO UNDER THIS PARAGRAPH ASSERT NO GREATER RIGHTS THAN THOSE OF THE COVERED INVESTOR DERIVED FROM THE APPROVED INVESTMENT AND SHALL ACQUIRE SUCH RIGHTS SUBJECT TO THE PAYMENT OF LEGAL TAXES AND THE FULFILLMENT OF OTHER OBLIGATIONS ENSUING FROM THE CONTRACT OF ASSOCIATION. THE ISSUING GOVERNMENT DOES, HOWEVER, RESERVE ITS RIGHTS TO ASSERT A CLAIM IN ITS SOVEREIGN CAPACITY UNDER INTERNATIONAL LAW. UNQUOTE. PLEASE ADVISE.

2. IF ABOVE MODIFICATION ACCEPTABLE, WE CAN ARRANGE FOR EXCHANGE OF NOTES AT SIGNING CEREMONY HERE ON FRIDAY, APRIL 20 OR SATURDAY, APRIL 28. (GOR PREFERS FORMAL CEREMONY WHICH WOULD BE COVERED BY ROMANIAN PRESS, RADIO AND TV AT INVITATION OF MINFORTRADE.) OF THESE DATES, WHICH ARE MUTUALLY AGREEABLE TO EMBASSY AND GOR, WE PREFER EARLIEST POSSIBLE CONCLUSION THIS AGREEMENT, AND SUGGEST APRIL 20. CAN OPIC ARRANGE APPROPRIATE ANNOUNCEMENTS AND CEREMONY IN WASHINGTON BY APRIL 20? WILL OPIC REP TRAVEL TO BUCHAREST FOR SIGNING CEREMONY HERE? OF WHAT WILL WASHINGTON CEREMONY CONSIST? (REF A)

3. WE NEED TEXT OF PROPOSED PRESS RELEASE BEFORE SIGNING IN ORDER TO PROVIDE ADVANCE COPY TO GOR.

4. GOR REQUESTS THAT NOTES BE SEALED AS WELL AS SIGNED. IF AGREEABLE TO DEPARTMENT, EMBASSY AND MINFORTRADE WILL EXCHANGE ONE ORIGINAL AND ONE COPY OF NOTES; ORIGINAL WILL HAVE SIGNATURES OF BOTH SIDES AND ROMANIAN SEAL AND AMBASSADOR'S SEAL APPLIED; COPY WILL HAVE SIGNATURES ONLY.

5. CAN DEPARTMENT PLEASE SEND SEPARATE TELEGRAM (WHICH WE WILL PROVIDE TO MINFORTRADE) AUTHORIZING AMBASSADOR TO SIGN AGREEMENT, AS STATED REFTEL D, PARA B, WITH DEPARTMENT AUTHORIZING LETTER TO FOLLOW BY POUCH?
MEEKER

LIMITED OFFICIAL USE

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 16 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BUCHAR01401
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: BUCHAREST
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730443/aaaaioyc.tel
Line Count: 107
Locator: TEXT ON-LINE
Office: ACTION OPIC
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 STATE 60388, 73 BUCHAREST 01045, 73 STATE 51338, 73 STATE 012857
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 21 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21-Sep-2001 by elyme>; APPROVED <22 FEB 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980120
Subject: OPIC INVESTMENT INCENTIVE AGREEMENT
TAGS: EGEN, PFOR, RO
To: OPIC
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005